

AMENDED IN ASSEMBLY MAY 25, 2012

AMENDED IN ASSEMBLY APRIL 30, 2012

AMENDED IN ASSEMBLY APRIL 17, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1706

Introduced by Assembly Member Eng

February 15, 2012

An act to amend, repeal, and add Section 35554 of, and to add and repeal Section 35554.1 of, the Vehicle Code, relating to vehicles, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1706, as amended, Eng. Vehicles: transit bus weight.

(1) Under existing law, the gross weight imposed upon the highway by the wheels on any one axle of a vehicle is prohibited from exceeding 18,000 pounds, except the gross weight on any one axle of a bus is prohibited from exceeding 20,500 pounds. A violation of these requirements is a crime.

This bill would instead exempt a transit bus from the limits on the weight that may be imposed upon the highway by the wheel of any one axle, until January 1, 2016, and as of that date, the bill would repeal that exemption for transit buses and reinstate the existing prohibition of 20,500 pounds for any one axle of a bus. The bill would, commencing January 1, 2013, and until January 1, 2016, prohibit a publicly owned or operated transit system or an operator of a transit system under contract with a publicly owned or operated transit system from procuring through a solicitation process pursuant to which a solicitation is issued on or after January 1, 2013, a new transit bus whose gross weight

exceeds 22,400 pounds. The bill would impose a state-mandated local program by imposing new requirements upon transit buses.

The bill would require the Secretary of ~~the~~ Business, Transportation and Housing ~~Agency~~ to convene a task force for the purpose of preparing a report concerning the maximum axle weight limitations in federal and state statutes applicable to transit buses. The bill would specify the information, analyses, and recommendations to be included in the report and would require the report to be submitted by January 1, 2015, to the appropriate *committees of the* Senate and Assembly ~~Committees of the~~ Legislature that oversee transportation issues. The bill would appropriate ~~an unspecified amount~~ \$500,000 from the Public Transportation Account ~~and an unspecified amount from the State Highway Account~~ to the secretary to prepare the report.

The bill would repeal these provisions on January 1, 2019.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Fully funded, efficient, and effective public transit systems
- 4 operating in a balanced transportation network do all of the
- 5 following:
- 6 (1) Support California's growing economy by moving people
- 7 to their jobs and to educational sites, by providing well-paying
- 8 and stable jobs, and by enhancing the value of surrounding real
- 9 estate.
- 10 (2) Bolster the state's energy security by decreasing dependence
- 11 on imported oil.
- 12 (3) Contribute to California's greenhouse gas reduction and air
- 13 quality improvement goals.
- 14 (4) Save travelers time by mitigating traffic congestion as the
- 15 state's population grows.
- 16 (5) Afford the safest means of motorized travel.

1 (6) Promote equitable access to affordable, reliable, and safe
2 transportation for all Californians.

3 (b) The state should therefore support the continued building,
4 maintenance, and operation of effective local and regional public
5 transportation networks for, including, but not limited to, the
6 following additional reasons:

7 (1) Every one billion dollars (\$1,000,000,000) invested in
8 transportation infrastructure creates 47,500 jobs.

9 (2) Every one dollar (\$1) invested in public transportation
10 generates approximately six dollars (\$6) in local economic activity.

11 (3) Real estate, including residential, commercial, and business,
12 that is served by public transit is valued more highly by the public
13 than similar properties not as ~~well-served~~ *well served* by transit.
14 For example, in the County of San Diego, residential properties
15 for sale near commuter rail stops were valued 17 percent higher
16 than properties for sale not near commuter rail stops.

17 (4) California oil production has steadily decreased since its
18 peak in the 1980s, which has resulted in an increased need for
19 imported oil. In 2006, California imported 55 percent, 328 of 593
20 million barrels, of the oil that it consumed. If the cost of oil is
21 calculated at ninety dollars (\$90) per barrel, this level of
22 importation of oil results in twenty-nine billion five hundred
23 million dollars (\$29,500,000,000) annually leaving the state. Public
24 transit in California currently reduces the need to import oil by
25 creating savings of 486 million gallons of oil annually.

26 (5) Volatile organic compounds (VOCs) and nitrogen oxide
27 (NOx) in high concentrations create dangerous air quality
28 conditions that cause at least 6,500 premature deaths, 9,000
29 hospitalizations, and 1,700,000 cases of respiratory illness annually
30 in California. Public transportation reduces carbon monoxide (CO)
31 by 95 percent, VOCs by 90 percent, and NOx by 50 percent, per
32 passenger mile, compared to driving a private vehicle.

33 (6) To meet requirements set out by Assembly Bill 32 of the
34 2006 2005–06 Regular Session of the Legislature that enacted the
35 California Global Warming Solutions Act of 2006 (Division 25.5
36 commencing with Section 38500) of the Health and Safety Code),
37 and Executive Order S-3-05, California will have to reduce its per
38 capita emissions from 13 metric tons to 9.5 metric tons by 2020
39 and 2 metric tons by 2050. By taking existing public transportation

1 instead of driving a car, a single person can save 2.1 metric tons,
2 or 4,800 pounds, of carbon dioxide (CO₂) per year.

3 (7) In the next 10 years, the California population is expected
4 to grow by over four million people, mostly in urban centers. This
5 will lead to more time wasted in traffic congestion. In 2005, public
6 transit prevented 540.8 million hours of traffic delay around the
7 country, according to the Texas Transportation Institute. The
8 monetary value of those savings was ten billion two hundred
9 million dollars (\$10,200,000,000).

10 (8) Those traveling by personal vehicles or in trucks suffer much
11 higher fatality rates than those traveling by public transit. The
12 National Transportation Safety Board reports that 32,841 fatalities
13 occurred during the 2010 calendar year on the nation's highways
14 related to personal vehicle or truck use, but in the same year, only
15 44 fatalities were recorded related to public transit bus use.

16 (9) By 2025, an estimated one in five Californians will be over
17 65 years of age. Public transportation is already playing an
18 important role for this demographic group, 20 percent of which
19 does not drive.

20 (10) Californians recognize the benefits of public transportation
21 and are responding with increased demand. Transit ridership is
22 growing and particularly increases when the price of gasoline
23 increases.

24 (c) However, as public transit ridership has increased, concerns
25 arise about the long-term sustainability of the transportation
26 network built to support cars, trucks, and buses, namely, that the
27 increased frequency of transit bus use disproportionately damages
28 city streets, county roads, and the state's highway and interstate
29 systems, due to the pavement wear impact of heavy transit vehicles
30 relative to other types of vehicles, as evidenced by the following:

31 (1) In 2002, the United States Congress directed the preparation
32 by the Secretary of the United States Department of Transportation
33 of a study on the federal and state maximum axle weight limitations
34 applicable to vehicles using the Dwight D. Eisenhower National
35 System of Interstate and Defense Highways, as the limitations
36 apply to over-the-road buses and public transit vehicles. The
37 study's purpose was to determinate how the requirements of the
38 federal limitation on vehicle axle weights should be applied to
39 over-the-road buses and public transit vehicles, and, in making
40 those recommendations, to consider all of the following factors:

1 (A) Vehicle design standards.

2 (B) Statutory and regulatory requirements, including the federal
3 Clean Air Act (42 U.S.C. Sec. 7401 et seq.) and the federal
4 Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101
5 et seq.), as amended.

6 (C) Motor vehicle safety standards prescribed under Chapter
7 301 of Title 49 of the United States Code (49 U.S.C. Sec. 30101
8 et seq.).

9 (D) The availability of lightweight materials suitable for use in
10 the manufacture of over-the-road buses.

11 (E) The cost of those lightweight materials relative to the cost
12 of heavier materials in use as of the date of the determination.

13 (F) Any safety or design considerations relating to the use of
14 those materials.

15 (2) The report specified in paragraph (1) also included an
16 analysis of, and recommendations concerning, all of the following:

17 (A) The means to be considered to encourage the development
18 and manufacture of lightweight buses.

19 (B) An analysis of, and recommendations concerning, whether
20 Congress should require that each rulemaking by an agency of the
21 federal government that affects the design or manufacture of motor
22 vehicles consider the weight that would be added to the vehicle
23 by implementation of the proposed rule.

24 (C) The effect that the added weight would have on pavement
25 wear.

26 (D) The resulting cost to the federal government and state and
27 local governments.

28 (3) In 2005, federal law was amended to temporarily provide
29 an exemption from the federal vehicle weight limitations for transit
30 vehicles on the Dwight D. Eisenhower National System of
31 Interstate and Defense Highways (the Interstate System), and to
32 prohibit specified states, including California, or any political
33 subdivision of those states, from enforcing a transit vehicle weight
34 limit of less than 24,000 pounds on the Interstate System. That
35 exemption and prohibition are in place until June 30, 2012.

36 (d) The Vehicle Code currently places a restriction on the gross
37 weight imposed upon the highway by the wheels of any one axle
38 of a bus, which cannot exceed 20,500 pounds. However, that
39 restriction was created in 1976, ~~and~~, and is only 500 pounds heavier
40 than the restriction generally placed on any other type of vehicle

1 operating on the highways. In the case of vehicle axle weights, the
2 term “highway” is interpreted to include city streets and county
3 roads.

4 (e) The federal study specified in paragraph (1) of subdivision
5 (c) referenced several reasons why public transit buses have
6 become heavier over the years, particularly in the more than three
7 decades since California first imposed a specific axle weight
8 limitation on buses, as follows:

9 (1) Requirements placed on bus manufacturers, as well as on
10 providers of local public transit service, to comply with new federal
11 and state laws and regulations.

12 (2) Heavier fuel tanks to safely contain alternative fuels such
13 as natural gas that are necessary to meet air quality standards and
14 engine emissions standards imposed on buses.

15 (3) Wheelchair lifts and other safety equipment necessary to
16 transport disabled passengers pursuant to the federal Americans
17 with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), as
18 amended.

19 (f) Some local law enforcement agencies have begun to cite
20 some operators of public transportation services for operating
21 transit vehicles in excess of the California axle weight limitations
22 for buses, thus threatening disruption of efficient and effective
23 public transit service that otherwise complies with all applicable
24 federal and state laws and regulations, including those laws and
25 regulations that have compelled operation of heavier transit buses.

26 (g) Therefore, it is vital the state act immediately to clarify that
27 the public transit vehicles currently operating in California are
28 permitted to continue in transit service without disruption due to
29 the state’s outdated transit bus weight limitation, while a study is
30 prepared analyzing all of the following:

31 (1) The appropriate transit bus axle weight limitations to reflect
32 current federal and state laws affecting vehicle manufacture.

33 (2) The availability of, and the ability of manufacturers to utilize,
34 lighter-weight materials in the manufacture and integration of
35 transit buses.

36 (3) Other alternative strategies to ensure the long-term
37 sustainability of the transportation network, including the Interstate
38 System, state highways, local streets and roads, and public transit
39 systems.

1 (4) A comparison of the costs of maintaining the status quo
2 versus the potential cost to state and local governments of adopting
3 new vehicle axle weight standards for transit buses.

4 (5) Requiring the use of lighter-weight materials in the
5 manufacture and integration of buses.

6 (6) Alternative strategies for ensuring the sustainability of the
7 transportation network.

8 SEC. 2. Section 35554 of the Vehicle Code is amended to read:

9 35554. (a) Notwithstanding Section 35550, the gross weight
10 on any one axle of a bus shall not exceed 20,500 pounds.

11 (b) A transit bus is not subject to subdivision (a).

12 (c) A transit bus is not subject to Section 35550.

13 (d) (1) A ~~publicly-owned~~ *owned* or operated transit system or
14 an operator of a transit system under contract with a publicly owned
15 or operated transit system shall not procure, through a solicitation
16 process pursuant to which a solicitation is issued on or after January
17 1, 2013, a new transit bus whose gross weight on any one axle
18 exceeds 22,400 pounds.

19 (2) This subdivision shall not apply to any solicitation that has
20 been issued prior to or is pending as of January 1, 2013.

21 (e) This section shall remain in effect only until January 1, 2016,
22 and as of that date is repealed, unless a later enacted statute, that
23 is enacted before January 1, 2016, deletes or extends that date.

24 SEC. 3. Section 35554 is added to the Vehicle Code, to read:

25 35554. (a) Notwithstanding Section 35550, the gross weight
26 on any one axle of a bus shall not exceed 20,500 pounds.

27 (b) This section shall become operative on January 1, 2016.

28 SEC. 4. Section 35554.1 is added to the Vehicle Code, to read:

29 35554.1. (a) For purposes of this section, “secretary” means
30 the Secretary of ~~the~~ Business, Transportation and Housing ~~Agency~~.

31 (b) The secretary shall convene a task force to oversee the
32 preparation of a report concerning the maximum axle weight
33 limitations in federal and state statutes applicable to transit buses
34 using the highways, streets, and roads of the state and to transit
35 buses using the portions in the state of the Dwight D. Eisenhower
36 National System of Interstate and Defense Highways subject to
37 Section 127 of Title 23 of the United States Code, and to
38 recommend strategies relative to measuring and enforcing transit
39 bus weight limits, designing and manufacturing transit buses, and
40 updating and utilizing the most effective and efficient pavement

1 design standards when designing and constructing highways ~~and~~
2 ~~streets, streets,~~ and roads, to ensure the sustainability of the state's
3 transportation network of highways, streets, roads, and public
4 transit systems.

5 (c) The task force shall consist of all of the following:

6 (1) Two representatives of public transportation systems, as
7 determined by the California Transit Association.

8 (2) Two representatives of bus manufacturers, bus component
9 integrators, or bus component manufacturers, as determined by
10 the California Transit Association.

11 (3) Three representatives of cities, as determined by the League
12 of California Cities.

13 (4) One representative of counties, as determined by the
14 California State Association of Counties.

15 (5) A representative of the Department of Transportation.

16 (6) A representative of the Department of the California
17 Highway Patrol.

18 (d) The report shall include all of the following:

19 (1) A determination concerning any changes that should be
20 made to the requirements of Section 35554, as that section read
21 on January 1, 2012, regarding the application of axle weight limits
22 to transit buses.

23 (2) An analysis of the applicability of the weight restrictions in
24 Section 35554, as that section read on January 1, 2012, compared
25 to the requirements of federal and state laws and regulations that
26 affect the weight of transit buses.

27 (3) Recommendations relative to updating the pavement design
28 standards utilized by the Department of Transportation in designing
29 and constructing highways and by local governments in designing
30 and constructing streets and roads, given the necessity of
31 maintaining a sustainable transportation network that includes the
32 provision of adequate public transportation service by bus, and the
33 requirements of federal and state laws and regulations that affect
34 the weight of transit buses.

35 (4) An analysis of, and recommendations concerning, whether
36 the Legislature should require that each state agency that adopts
37 regulations that affect the design or manufacture of motor vehicles
38 consider all of the following:

39 (A) The weight that would be added to the vehicle by
40 implementation of the proposed regulation.

1 (B) The effect that the added weight would have on pavement
2 wear.

3 (C) The resulting cost to the state and local governments.

4 (5) An analysis relating to the axle weight of transit buses that
5 compares the costs of the pavement wear caused by transit buses
6 with the costs of the pavement wear caused by other vehicles,
7 including trucks or vehicles such as municipal garbage trucks or
8 fire engines.

9 (e) In preparing the report required by this section, the secretary
10 shall consider all of the following:

11 (1) Vehicle design standards, including those relating to
12 durability and corrosion, and the typical operating environments
13 of transit vehicles.

14 (2) Statutory and regulatory requirements, including the federal
15 Clean Air Act (42 U.S.C. Sec. 7401 et seq.), the federal Americans
16 with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), as
17 amended, and the transit bus engine emission regulations and
18 standards adopted by the State Air Resources Board and by
19 individual air quality management districts.

20 (3) Federal motor vehicle safety standards prescribed under
21 Chapter 301 of Title 49 of the United States Code (49 U.S.C. Sec.
22 30101 et seq.).

23 (4) The availability of lightweight materials suitable for use in
24 the manufacture of transit buses, the cost of those lightweight
25 materials relative to the cost of heavier materials in use as of the
26 date of the determination, and any safety or design considerations
27 relating to the use of those materials.

28 (5) The necessity of vehicle amenities that are attractive to
29 existing or prospective transit passengers.

30 (6) Any available information pertaining to the means to
31 encourage the development and manufacture of lightweight transit
32 buses.

33 (7) Any other pertinent data in the report by the Secretary of
34 the United States Department of Transportation entitled Study &
35 Report to Congress: Applicability of Maximum Axle Weight
36 Limitations to Over-the-Road and Public Transit Buses Pursuant
37 to Senate Report No. 107-38, dated December 2003.

38 (8) The latest interpretation by the Federal Transit
39 Administration and by the Federal Highway Administration of the
40 applicability of Section 127 of Title 23 of the United States Code

1 as it pertains to enforcement in California of federal limitations
2 on transit bus weight.

3 (f) The secretary shall submit this report to the appropriate
4 *committees of the* Senate and Assembly ~~Committees of the~~
5 ~~Legislature~~ that oversee transportation issues on or before January
6 1, 2015. The report shall be submitted in compliance with Section
7 9795 of the Government Code.

8 ~~(g) Both of the following amounts are hereby appropriated to~~
9 ~~the secretary from the following sources for purposes of preparing~~
10 ~~the report required by this section:~~

11 (1) ~~_____ dollars _____ is hereby appropriated from the Public~~
12 ~~Transportation Account.~~

13 (2) ~~_____ dollars _____ is hereby appropriated from the State~~
14 ~~Highway Account from the truck weight fee revenue derived from~~
15 ~~Section 9400.~~

16 (g) *For the purposes of preparing the report required by this*
17 *section, five hundred thousand dollars (\$500,000) from the Public*
18 *Transportation Account is hereby appropriated to the secretary.*
19 *The secretary shall expend the money consistent with the duties*
20 *of the Department of Transportation as specified in subdivision*
21 *(c) or (d) of Section 99315 of the Public Utilities Code.*

22 (h) This section is repealed on January 1, 2019, pursuant to
23 Section 10231.5 of the Government Code unless a later enacted
24 statute, that is enacted before January 1, 2019, deletes or extends
25 that date.

26 SEC. 5. No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution because
28 the only costs that may be incurred by a local agency or school
29 district will be incurred because this act creates a new crime or
30 infraction, eliminates a crime or infraction, or changes the penalty
31 for a crime or infraction, within the meaning of Section 17556 of
32 the Government Code, or changes the definition of a crime within
33 the meaning of Section 6 of Article XIII B of the California
34 Constitution.